

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 12/30/19

JUAN PABLO CHAVEZ,

Plaintiff,

v.

GREGORY WYLIE, GREGORY WYLIE
VIOLIN MAKER, and JOHN DOE 1-9,

Defendants.

No. 18-CV-7965 (RA)

ORDER

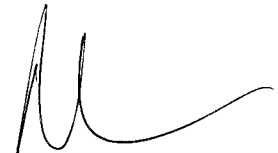
RONNIE ABRAMS, United States District Judge:

By order dated December 17, 2019, and judgment entered December 18, 2019, this action was dismissed for failure to state a claim upon which relief may be granted. Dkts. 35-36. On December 26, 2019, Plaintiff, who is proceeding *pro se*, filed a document titled “Motion for Extension of Time to File Notice of Appeal.” Dkt. 37. In light of the Court’s obligation to construe *pro se* submissions liberally, and because Plaintiff’s time to file a notice of appeal has not yet expired, the Court construes Plaintiff’s motion as a timely notice of appeal. *See Lai v. United States*, No. 18-CV-10560 (LLS), Dkt. 16 (S.D.N.Y. Aug. 12, 2019) (construing *pro se* plaintiff’s motion for extension of time to file notice of appeal as timely notice of appeal). Indeed, Plaintiff’s motion lists the parties in this action and can be “read to state an intention to appeal from the [December 18, 2019] judgment.” *Id.* at 3. “[A]lthough [Plaintiff] failed to specify [the United States Court of Appeals for the Second Circuit] as that to which he was taking his appeal, review of the [December 17, 2019 order] could be had only in [that] court.” *Barrett v. United States*, 105 F.3d 793, 796 (2d Cir. 1996). Plaintiff’s motion can thus be construed as satisfying the requirements under Rule 3 of the Federal Rules of Appellate Procedure.

Accordingly, the Court denies Plaintiff's motion for an extension of time to file a notice of appeal as moot and construes Plaintiff's motion as a timely notice of appeal. The Clerk of Court is respectfully directed to process Plaintiff's appeal and to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: December 30, 2019
New York, New York



Ronnie Abrams
United States District Judge